

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Peyravian)
Serial No.: **09/458,922**) PATENT PENDING
Filed: **December 10, 1999**) Examiner: Dada, Beemnet W.
For: **Time Stamping Method Employing User**) Group Art Unit: 2135
Specified Time) Confirmation No.:9481
Docket No: **4541-003**)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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August 9, 2006

Date



Kathleen Kopper

This correspondence is being:

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REPLY TO EXAMINER'S ANSWER MAILED JULY 14, 2006

Sir:

Applicants respectfully submit the following paper in response to the Examiner's Answer mailed July 14, 2006. No fees or charges should be required for entry of this paper. However, if any fees or charges are required for entry of this paper, the Commissioner is authorized to deduct them from Deposit Account 18-1167.

REMARKS

Claim 13 is directed to a method of time stamping a digital document. According to the claimed method, a time stamp is created and then subsequently transmitted to an outside agency for authentication. Claim 13 requires that the time stamp receipt be created before its transmission to the outside agency.

The Examiner rejects claim 13 under §102 as being anticipated by Levine. Levine discloses a system used by an outside agency for time-stamping documents. The system in Levine includes two computers: a public computer and a private computer. The public computer receives a document from associates the received document with a timestamp. The private machine creates a hash of the document and cryptographically binds the timestamp with the hash value. However, both the public and private machines are operated by a single agency.

In formulating the §102 rejection, the Examiner misconstrues the term "outside agency." The Examiner argues that because the term "outside agency" is not defined, the term could be construed as "a device that is isolated from (outside of) a second device ..." Examiner's Answer, page 4. The Examiner does not support his proffered definition with any citation to the intrinsic record. The Examiner simply argues that the private machine is an "outside agency" even though the public and private machines are operated by the same agency.

The absence of an explicit definition of the term "outside agency" does not give the Examiner an unfettered license to create a definition of his own. On the contrary, the term "outside agency" must be given its ordinary meaning unless it is defined differently in the patent specification. The term "agency" is defined as a "business or service that is authorized to act for others." American Heritage Dictionary of the English Language (William Morris Ed., 1973). The use of the term "outside agency" in the claims is consistent with the ordinary meaning. Both the Summary and the Detailed Description are replete with references to a Time Stamping Authority

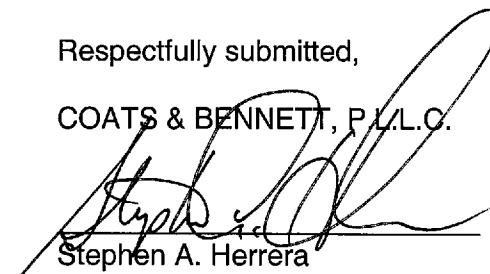
(TSA) that functions as a trusted agent to authenticate documents. In the context of the specification and claims, the “outside agency” is the agency that performs authentication.

In Levine, both the public and private machines are part of a single agency that uses two machines. The agency receives a document without a timestamp and then applies the timestamp using the public machine. Because claims 13 requires that the timestamp be created before it is transmitted to the outside agency, Levine does not anticipate claim 13.

The Examiner’s attempt to construe public and private machines of Levine as distinct agencies ignores the plain meaning of the claim language. The fact is that the public machine is part of the trusted agency in Levine. Because the public machine adds a time stamp after receiving the document, Levine cannot possibly teach transmitting a time-stamp receipt to the trusted agency that already includes a time indication as recited by claim 13. Thus, the §102 rejections fail. Applicants respectfully request that the Board overturn the §102 rejections.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.


Stephen A. Herrera

Registration No.: 47,642

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844
Facsimile: (919) 854-2084

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